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SUBJECT: THAILAND'S ROAD TO ELECTIONS: YOU ARE HERE

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Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: Thailand is still proceeding toward the goal of a constitutional referendum by August/September, and elections by December. We believe that we narrowly dodged a bullet earlier this year, when it appears that elements of the Council for National Security (CNS) considered scrapping the current government and perhaps even the constitution process, and starting over. Although cooler heads prevailed then, the political situation remains unsettled; the current progress on returning to elected government could also be derailed. There are foreseeable possible flashpoints, most obviously the constitution referendum and the election itself. In addition, there are dangers that may occur at any time and without much warning, such as a fatal split with the government/Council for National Security (CNS), the return of former PM Thaksin, or the serious illness or death of the King. This cable provides an overview of the progress and pitfalls on the way to elections; reftels and septels provide more detailed analysis. END SUMMARY

NEXT STEP ON CONSTITUTION DRAFT - JUNE 11

[1](#)2. (C) The 35-member Constitution Drafting Committee (CDC) is finishing its work this week. They plan to turn over their agreed draft to the 100-member Constitution Drafting Assembly (CDA) on June 11. The initial draft of the constitution made

public in mid-April was somewhat schizophrenic. On the one hand, it provided strong protections for civil rights and human rights (perhaps even better than the 1997 Constitution, by many accounts.) But the political system it envisioned was rightly viewed as much less democratic than the previous charter. The public participation process, while far from perfect, has clearly highlighted widespread objections by both the political parties and the public to a number of provisions in the draft, and the CDC appears to have made a significant number of changes in response. We should know early next week how significant these improvements are.

CONSTITUTION FINAL DRAFT - JULY 6

13. (C) Once the 100-member CDA gets this draft next week, it has about a month to debate and revise it. It will debate and vote on the articles one by one. The procedures for considering amendments are complicated, but our contacts say that the members are prepared and have confidence that they will reach agreement on a draft by the end of June. The CDA will have its final vote on the completed draft on July 5 or 16. It remains at least theoretically possible for the draft to fail at this point, if a majority of the 100 CDA members do not vote in favor of the finished product. Those involved in the drafting process have told us and other diplomats that they expect the CDA to approve the draft.

CONSTITUTION REFERENDUM - AUGUST/EARLY SEPTEMBER

14. (C) Once the CDA votes to approve the draft charter, it will be printed and disseminated to every household in the country. According to the post-coup interim constitution,

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the public should then have 15 days to one month to consider the draft. Officials earlier anticipated that it would take about one month to print and distribute some 20 million copies, and then allowed another month for public discussion before a referendum (in early September). Many officials are now anticipating an earlier vote. A respected jurist on the CDA told us this week that August 19 was the date currently under consideration. He anticipated that the draft constitution could be in the hands of the citizens by the end of July, and therefore believed a vote should take place no later than the end of August.

ELECTIONS - BY DECEMBER

15. (C) Once it finishes with the draft constitution on July 6, the CDA will turn to drafting the organic laws (on the Election Commission, the election of MPS and Senators, and on political parties). We understand that some CDA members are already working on these laws, and they should be ready by mid-August at least (as required by the interim constitution.) These draft laws then go to the National Legislative Assembly (NLA), which must approve them within 45 days. We note that there is a sudden upsurge in speculation that the election could be held earlier than December. There are a number of practical obstacles to advancing the election date, including the need for the NLA to approve this legislation: the NLA has not rubber-stamped previous drafts submitted to it, and elements of these laws will probably be controversial. The Election Commission may also raise practical concerns. Even so, the interim constitution requires the NLA to approve the organic laws by early October. This is a tight squeeze for December elections, but not impossible.

NOT OUT OF THE WOODS YET

16. (C) At this point, it appears that the RTG is sticking to the timetable for the return to elected government. The

situation remains inherently unstable, however, and many factors could derail the election process.

BACK FROM THE EDGE

17. (C) Can the Surayud government last for six more months? Based on a wide variety of reports, including GEN Sonthi's own admission, we believe that some CNS leaders gave serious consideration to replacing Prime Minister Surayud, and probably his entire unpopular cabinet, in the period before the major Thai new year holiday in mid-April. It appears that they peered over the edge of that abyss and, refreshingly, decided not to jump this time. A number of factors probably contributed to this restraint. If nothing else, there does not seem to be anyone to replace Surayud. GEN Sonthi may have briefly flirted with volunteering himself, but then came to his senses. It is widely believed that the Palace and Privy Council President Prem would not have supported an "incumbency coup." It looks like the CNS and Surayud understand that they are stuck with each other for a while longer.

18. (C) The interim government could still face a challenge from popular protests. However, so far, no one is turning out large numbers of anti-government demonstrators. Radical anti-Thaksin activists like Sonthi Limthongkul, who believes the PM is too timid in rooting out the evils of the Thaksin regime, want Surayud out, but have not been able to unify the old anti-Thaksin coalition behind them. The anti-government demonstrations by NGOs have been very small. The PTV demonstrations (led by former Thai Rak Thai members, but ostensibly non-partisan) have been persistent, but most estimates put the crowds at roughly 5,000 to 10,000 -- not enough to make much impact. One TRT contact claimed 30,000 participants at one rally, but even this is not likely to have a big effect. (The largest anti-Thaksin rallies were probably over 150,000 people, and they were able to move the crowds in an orderly fashion to Government House and the

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shopping district, for example, for maximum impact). A number of banned TRT members have announced plans to join the protests and say they will call for the public to vote down the constitution. This could swell the numbers of demonstrators, but it might also backfire, as many anti-coup demonstrators are also anti-TRT, and will not join in a pro-Thaksin protest. The size of demonstrations -- and the level of organization and commitment of the protesters -- bears watching, but the Bangkok public, at least, seems rallied out.

CONSTITUTION PROSPECTS

19. (C) Many in the Bangkok academic and journalist circles are railing against the proposed constitution on principle, and calling for its defeat in the referendum. There are concerns that more former TRT politicians will join the anti-constitution campaign. However, a number of sources, inside and outside TRT, report that many former TRT members believe that their best option is to have the elections as soon as possible. They claim that former TRT members will do very well in the elections, and, once back in Parliament, can safeguard TRT interests. Therefore, it appears unlikely that former TRT will remain unified and will swing its full influence against the constitution.

10. (C) Even without organized resistance from TRT, the constitution could face a real challenge at the referendum. In addition to disputes over governance issues, like the way senators are chosen, emotional issues may have influence. (For example, it is still unclear whether Buddhism will make it in as the state religion or not: a group of monks are currently holding a protest fast to press for its inclusion.) Many contacts here have assured us that, if the draft is

"good," the constitution will pass. But what constitutes "good" enough is still not clear. If the constitution is defeated, it would be blow to the legitimacy of the CNS/government, perhaps inviting renewed efforts to oust them. If the junta becomes convinced the referendum will not succeed, they might also intervene in the process to head off this face-losing and threatening outcome (another possible window of opportunity for a "re-coup.") It is just too soon to assess how real these dangers are. Once the draft constitution is finalized in July, we will have a clearer picture of its prospects.

THINGS THAT GO BUMP IN THE NIGHT

11. (C) There are a number of other events that could happen at any time and threaten the delicate political balance. The modus vivendi worked out between PM Surayud and GEN Sonthi could fail. Although almost all interlocutors say that Sonthi could not simply remove the more senior and respected Surayud, the PM might resign if confronted with large public demonstrations -- or perhaps just out of frustration and pique, tired of the relentless drubbing he suffers in the media. Former PM Thaksin could re-emerge as an immediate threat at any moment. An American academic who spoke to him recently told us Thaksin talked about possibly returning to Thailand soon "perhaps to lead protests." Thaksin reportedly said also that he was still providing funding to his supporters. A decision by Thaksin to return would probably be the biggest threat to the election timetable, and is perhaps the hardest for the CNS/government to plan for, as Thaksin himself probably doesn't know what he will do in the end.

12. (C) Things may also be affected by events in the Palace. The King appears to be recuperating from last year's back surgery and has looked stronger in recent appearances, but fear about his health underlies much of the pessimism so widespread in Bangkok about the political situation. We have also heard that the King's sister is in the last stages of breast cancer and may not have long to live (although this is an unconfirmed report.) Any death in the Royal Family could conceivably lead to a mourning period which could interrupt the political process. In the event of serious illness or

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death of the King, we would expect a broad consensus to form that the elections be delayed.

COMMENT

13. (C) Overall, the constitution-drafting process, and the preparation to return to elected government, are going well enough to get Thailand to the goal of holding elections by December. It is not going to be easy, however, to keep everything on track for six more long months. We will continue to emphasize to all interlocutors the importance of sticking to the plan. While no one is very satisfied with the current situation, we think more and more of the players may recognize that the alternatives are all worse. That realization is probably more persuasive than anything we can tell them.

BOYCE